

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
LEGAL GUARDIAN ON BEHALF OF STUDENT,	OAH CASE NO. 2013050021
v.	
ABC UNIFIED SCHOOL DISTRICT ,	
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ABC UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013040604
v.	
LEGAL GUARDIAN ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On April 12, 2013, ABC Unified School District (District) filed a Request for Due Process Hearing (complaint) in OAH case number 2013040604 (First Case), naming Legal Guardian on behalf of Student (Student) as respondent.

On April 29, 2013, Student filed a Request for Due Process Hearing (complaint 2) in OAH case number 2013050021 (Second Case), naming the District as respondent. Student simultaneously filed a Motion to Consolidate the First Case with the Second Case.

On April 29, 2013, the District filed a non-opposition to the motion.

CONSOLIDATION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether the District is the local education agency responsible for the costs of placing Student in a residential facility. The District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013040604 (First Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013050021 (Second Case).
4. The consolidated cases shall proceed pursuant to the Scheduling Order dated May 1, 2013 issued in OAH Case Number 2013050021 (Second Case).

Dated: May 02, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings